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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,866	01/04/2002	David J. Luneau	10200-010001	6385
26161	7590	10/20/2006		EXAMINER
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/038,866	LUNEAU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gerald Gauthier	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 August 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claim(s) 1-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Orwick et al. (US 6,201,856 B1) in view of Smock et al. (US 6,377,668 B1).

Regarding **claim(s) 1**, Orwick discloses a data communication method for use in a telephone network having a caller-identification feature, wherein the caller-identification feature communicates data to a called party that includes data corresponding to a telephone number of a calling party (column 1, lines 6-13), the method comprising:

identifying a recipient having telephone equipment at a telephone number on the telephone network (FIG. 3 and column 4, lines 26-38) [The compact service node 26 pursuant the instructions received from the service control point 20 begins making phone telephone calls via the service switching point 30 to designated contact number on the list];

providing a code in the format of a telephone number (FIG. 3 and column 3, lines 51-64) [The subscriber dials 911 an emergency code as a telephone number];

setting up a telephone call to the recipient telephone number from a calling party having the same telephone number as the code, such that the telephone network uses the caller-identification feature to communicate data corresponding to the code to the recipient telephone number (FIG. 4 and column 4, lines 39-64) [The compact service node 26 dials the telephone number on the list associated with the subscribe number and also transmit a caller ID message];

receiving the data corresponding to the code at the recipient telephone number (FIG. 4 and column 5, lines 25-44) [The compact service node 26 plays an announcement indicating that the emergency was placed from the subscriber telephone 12].

Orwick discloses an emergency telephone call notification but fails to disclose the recipient telephone equipment automatically signals the telephone network to connect the call upon receipt of the data corresponding to the code.

However, Smock teaches wherein the recipient telephone equipment (18 on FIG. 1) automatically signals the telephone network (central office) to connect the call upon receipt of the data (hook flash) corresponding to the code (column 4, line 60 to column 5, line 6) [The device 18 generates an off-hook signal and automatically connect the call to the telephone 16].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Orwick using the teaching of sending the signal to the central office as taught by Smock.

This modification of the invention enables the recipient telephone equipment to automatically signals the telephone network to connect the call upon receipt of the data corresponding to the code so that the user would transmit faxes at a maximum speed.

Regarding **claim(s) 2**, Orwick discloses the telephone equipment automatically signals the telephone network to connect the call by going of-hook (column 5, lines 25-44).

Regarding **claim(s) 3**, Orwick discloses the telephone equipment automatically signals the telephone network to connect the call by performing a hook flash sequence (column 5, lines 25-44).

Regarding **claim(s) 4**, Orwick discloses the calling party having the same telephone number, as the code is a simulated calling party (column 3, lines 51-64).

Regarding **claim(s) 5**, Orwick discloses the calling party having the same telephone number as the code is an actual calling party (column 4, lines 39-64).

Regarding **claim(s) 6**, Orwick discloses sending data to the recipient telephone equipment over the telephone network after the recipient telephone equipment automatically signals the telephone network to connect the call (column 5, lines 25-44).

Regarding **claim(s) 7**, Orwick discloses sending digital data to the recipient telephone equipment over the telephone network after the recipient telephone equipment automatically signals the telephone network to connect the call (column 4, lines 39-64).

Regarding **claim(s) 8**, Orwick discloses sending non-voice data to the recipient telephone equipment over the telephone network after the recipient telephone equipment automatically signals the telephone network to connect the call (column 4, lines 39-64).

Regarding **claim(s) 9**, Orwick discloses sending emergency notification data to the recipient telephone equipment over the telephone network after the recipient telephone equipment automatically signals the telephone network to connect the call (column 4, lines 39-64).

Regarding **claim(s) 10**, Orwick discloses the step of converting the received data to a message (column 3, lines 51-64).

Regarding **claim(s) 11**, Orwick discloses the received data corresponding to the message is converted to the message for the message recipient (column 3, lines 51-64).

Regarding **claim(s) 12**, Orwick discloses the step of displaying the message as text (column 4, lines 7-25).

Regarding **claim(s) 13**, Orwick discloses the step of audibly announcing the message (column 5, lines 25-44).

Regarding **claim(s) 14**, Orwick discloses the message is audibly announced over a speaker other than a speaker in a telephone handset (column 5, lines 25-44).

Regarding **claim(s) 15**, Orwick discloses the message is audibly announced over a speaker in a telephone handset (column 5, lines 25-44).

Regarding **claim(s) 16**, Orwick discloses the telephone network is the North American telephone network (column 2, lines 43-55).

Regarding **claim(s) 17**, Orwick discloses the caller-identification feature is Caller ID (column 4, lines 39-64).

Regarding **claim(s) 18**, Orwick discloses the data communicated to a called party by the Caller ID feature is the Incoming Caller Line Identification (ICLID) signal (column 4, lines 39-64).

Regarding **claim(s) 19**, Orwick discloses the format of the telephone number includes a three-digit area code and a seven-digit number (column 2, lines 5-10).

Regarding **claim(s) 20**, Orwick discloses the code is a ten-digit number (column 2, lines 5-10).

Regarding **claim(s) 21**, Orwick discloses the caller-identification feature communicates data on a common channel interoffice signaling system (column 2, lines 43-55).

Regarding **claim(s) 22**, Orwick discloses the caller-identification feature communicates data on the signaling system 7 (SS7) common channel interoffice signaling system (column 2, lines 43-55).

Regarding **claim(s) 23**, Orwick discloses the step of identifying plural recipients, each having a respective telephone equipment and telephone number (column 4, lines 39-64).

Regarding **claim(s) 24**, Orwick discloses the recipients are identified on the basis of geographical location (column 4, lines 39-64).

Regarding **claim(s) 25**, Orwick discloses the same message is selected for each of the plural recipients (column 4, lines 39-64).

Regarding **claim(s) 26**, Orwick discloses the message is an emergency notification message (column 4, lines 39-64).

***Response to Arguments***

5. Applicant's arguments with respect to **claim(s) 1-26** have been considered but are moot in view of the new ground(s) of rejection.

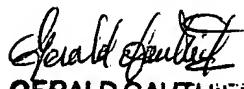
***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**GERALD GAUTHIER**  
**PATENT EXAMINER**

GG  
October 5, 2006

Gerald Gauthier  
Primary Examiner  
Art Unit 2614